

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ADAM GOTTSTEIN,	:	
	:	3:17-CR-188
Petitioner	:	
v.	:	
	:	(JUDGE MANNION)
SCOTT FINLEY,	:	
	:	
Respondent	:	

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS
HEREBY ORDERED THAT:**

1. Gottstein's letter Motion for Transfer to Home Confinement because of the COVID-19 pandemic, will be construed by the court as a petition for writ of habeas corpus pursuant to 28 U.S.C. §2241, **(Doc. 697)**. The Clerk will be directed to open it as a separate civil case and forward to the petitioner the appropriate paperwork for the filing of such an action, including the payment of the appropriate filing fee, or presentation of an application to proceed *in forma pauperis*. The petition is **DISMISSED WITHOUT PREJUDICE** due to Gottstein's failure to exhaust his BOP administrative remedies under 28 C.F.R. §§542.10, *et seq.*
2. To the extent that Gottstein's filing is considered as a motion for compassionate release, it will be considered appropriately filed in this criminal case and is **DISMISSED WITHOUT PREJUDICE** for lack of

administrative remedies under §3582(c)(1)(A)(i).

3. Insofar as Gottstein is deemed as requesting the court to order the BOP to find that he is eligible for home confinement designation under the CARES Act, his petition is **DISMISSED** since the authority to make this determination lies with the BOP Director and not the court.
4. Gottstein's motion for appointment of counsel, (**Doc. 718**), is **DENIED**.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Dated: June 10, 2020

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